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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

MALAKYAR VERNET, Individually and on)
Behalf of All Others Similarly Situated,)
Plaintiff,)
vs.)
THE WE COMPANY, et al.,)
Defendants.)

Master File No. 4:20-cv-03686-HSG

CLASS ACTION

JOINT STIPULATION OF DISMISSAL
AND ORDER

This Document Relates To:

ALL ACTIONS.

1 WHEREAS, on September 4, 2020, plaintiffs Malakyar Vernet and Henriette Kockum
2 (together, “Plaintiffs”) filed the operative Consolidated Complaint for Violations of the California
3 Corporations Code (the “Consolidated Complaint”) (ECF No. 29);

4 WHEREAS, on November 3, 2020, defendants The We Company (“WeWork”) and Adam
5 Neumann (together, “Defendants”) filed their Motion to Dismiss the Consolidated Amended
6 Complaint (the “Motion to Dismiss”) (ECF No. 40);¹

7 WHEREAS, on January 18, 2021, Plaintiffs filed their opposition to Defendants’ Motion to
8 Dismiss (ECF No. 48), and on March 4, 2021, Defendants filed their reply in support of their Motion
9 to Dismiss (ECF No. 51);

10 WHEREAS, on March 15, 2021, the Court continued the hearing on Defendants’ Motion to
11 Dismiss to April 16, 2021, at 1:00 p.m.;

12 WHEREAS, on March 10, 2021, a tender offer was made to holders of WeWork Class A
13 common stock, including to the Plaintiffs (the “Tender Offer”);

14 WHEREAS, Plaintiffs accepted the Tender Offer and, as of April 12, 2021, Plaintiffs had not
15 received payment for their tender of the at-issue WeWork Class A common stock;

16 WHEREAS, on April 13, 2021, the Court granted Plaintiffs and Defendants’ Joint
17 Stipulation and Order Continuing Upcoming Motion to Dismiss Hearing (ECF No. 55) to May 13,
18 2021 for Plaintiffs to assess their standing and the viability of their claims in light of the recent
19 Tender Offer (ECF No. 56);

20 WHEREAS, Plaintiffs have now received payment for their tender of the at-issue WeWork
21 Class A common stock;

22 WHEREAS, in accepting the Tender Offer, Plaintiffs agreed to a release of claims against
23 WeWork, Adam Neumann, and certain of WeWork’s current and former directors and officers;

24
25
26
27 ¹ Defendant Softbank Group Corp. has taken the position that it was not served properly and
28 presumably did not file a motion to dismiss for that reason.

1 DATED: May 6, 2021

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Attorneys for Defendants The We Company

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* * *

ORDER

IT IS SO ORDERED.

DATED: May 6, 2021



HONORABLE HAYWOOD S. GILLIAM, JR.
UNITED STATES DISTRICT JUDGE

CERTIFICATE PURSUANT TO LOCAL RULE 5-1(I)(3)

I, Jason C. Davis, am the ECF User whose identification and password are being used to file this document. Pursuant to Local Rule 5-1(i)(3), I attest that concurrence in the filing of the document has been obtained from each of the other signatories.

Dated: May 6, 2021

s/ JASON C. DAVIS
JASON C. DAVIS

CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury that on May 6, 2021, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses on the attached Electronic Mail Notice List, and I hereby certify that I caused the mailing of the foregoing via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

s/ JASON C. DAVIS
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Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

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